

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-6064

TELEPHONE (212) 373-3000

DIRECT DIAL: +1 212 373 3118
EMAIL: LELYNCH@PAULWEISS.COM

BRUSSELS	TOKYO
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September 11, 2025

VIA ECF

Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, et al.*,
No. 19-cv-00660 (E.D.N.Y.)

Dear Judge Brodie:

I write to update the Court on the parties' ongoing efforts to address issues raised in this litigation through mediation.

I. Background

I have continued to receive call and videoconference data from the parties. I also continue to be in communication with the Federal Defenders, Inc. ("Plaintiff") and their counsel, the government, and representatives of the Metropolitan Detention Center ("MDC") and Metropolitan Correctional Center ("MCC").¹

My communications with the Federal Defenders and the government focused on the following topics:

1. The current status of in-person legal visitation at the MDC.
2. The execution of the current protocol for scheduling and placing attorney-client phone calls at the MDC.

¹ I held joint mediation calls with the parties on July 15, July 22, July 29, August 5, August 12, September 2, and September 9, 2025. Magistrate Judge Peggy Kuo has attended our calls as well.

II. Telephonic Contact

The parties continue to schedule and facilitate legal phone calls under the Court Protocol for Attorney Calls and Teleconference Hearings. Pursuant to the Protocol, attorney-client calls are scheduled by Federal Defenders for afternoon slots of one-half hour each from 12pm to 3pm at the MDC. As Your Honor is aware, the parties have also made efforts to expand legal call hours beyond the times provided in the Protocol. *See* ECF Nos. 70 & 76.

According to information received from the parties, MDC scheduled 801 calls between July 10 and September 10, 2025. Of these 801 calls, 514 were completed,² 27 were attempted but not completed,³ 14 were cancelled or scheduled by the inmate's attorney, 14 were not completed because the inmate was on a different floor,⁴ 12 were not completed because the inmate refused,⁵ seven were not completed because the inmate had an in-person legal or social visit, six were not completed because the specific attorney was restricted from calling the inmate, four were not completed because the inmate was not at the institution,⁶ two were not completed because the inmate was in the SHU, one was not completed because the attorney's contact information was missing, one was not completed because the inmate was an ICE detainee and it was addressed separately by ICE, one was not completed because the attorney had an international number, and one was not completed because the inmate was "on a hospital trip." Finally, nine calls were not completed for unknown reasons, and we are unaware of the outcome for 186 calls. We are working with the parties to gather more information about these calls.

Additionally, Federal Defenders report some technical issues over the past eight weeks.

III. Videoconferencing

According to the information received from the parties, MDC scheduled 827 videoconferences between July 10 and September 10, 2025. Of these 827 VTCs, 587 were completed,⁷ 10 VTCs were completed as a call,⁸ 24 were cancelled or rescheduled by the inmate's attorney,⁹ 22 were not completed because the inmate had an in-person legal or social visit, nine were not completed because the inmate refused the VTC, five were not completed because the inmate was on another floor,¹⁰ three were attempted but not completed, one was not completed because the inmate was in the SHU, one was not completed because the inmate was in court, one was not completed because the inmate was at the hospital, one was not completed because the contact information for the attorney was missing, and one was not completed because the inmate was not at the institution. Finally, 11 VTCs were not completed for unknown reasons, and we are

² The Federal Defenders reported five of these calls as not completed.

³ The Federal Defenders reported one of these calls as completed.

⁴ The Federal Defenders reported one of these calls as completed.

⁵ The Federal Defenders reported three of these calls as completed.

⁶ The Federal Defenders reported one of these calls as completed.

⁷ The Federal Defenders reported three of these VTCs as not completed.

⁸ The parties reported that these VTCs were switched to a call because of technical issues.

⁹ The Federal Defenders reported one of these VTCs as completed.

¹⁰ The Federal Defenders reported one of these VTCs as completed.

unaware of the outcome for 159 VTCs. We are working with the parties to gather more information about these VTCs.

Again, Federal Defenders report some technical issues with VTCs over the past eight weeks.

IV. In-Person Visiting

The parties continue to discuss the tracking of attorney wait times, and the MDC continues to collect and maintain attorney-generated data on wait times. Although incomplete because of limited attorney participation in the data-gathering process, this data is available should the need to track specific wait times arise. The parties continue to discuss ways to efficiently collect and store the data and to increase participation by defense counsel in the necessary record keeping.

The parties continue to discuss issues related to the implementation of procedures regarding legal access. Most recently, the institution finalized a legal access guide for use at the institution on August 30, 2024, which Federal Defenders provided various proposals for throughout the drafting process. The guide covers a variety of areas that are the subject of our discussion during the mediation calls, which we hope will improve communication at the institution and provide clear instructions. As of December 13, 2024, hard copies of the legal access guide are available in the institution's East and West buildings. An electronic copy of the legal access guide is now available on the MDC's website as well.

Additionally, the parties continued discussions concerning MDC's new visitor tracking program, which aims to compile information from visitors and reduce wait-times associated with entry to the institution. Following the program's launch in mid-April 2025, Federal Defenders reported delays for certain legal visits. MDC responded that these delays were associated with the initial information collection process for the new system, which should expedite visitors' entry moving forward. More recently, Federal Defenders reported significant delays with entering the MDC and meeting with clients on certain occasions between mid-July and mid-August 2025. Ultimately, MDC has consistently advised that legal visitors should notify MDC Legal of these issues for assistance as they occur. The parties will continue to discuss the new program during its implementation and as any issues arise.

The parties have also discussed ongoing technical issues with telephones and VTC equipment in various units over the past several weeks, which are investigated regularly by the institution's staff. Most recently, Federal Defenders reported that its designated phones at MDC across several units were inoperable. For example, on September 9, 2025, the parties discussed a Federal Defenders phone line in Unit 71 that reportedly remained broken. MDC staff were notified and reported it to their facilities department. On September 2, 2025, the parties discussed issues with Unit 71's VTC equipment as well. In response, MDC stated on September 9, 2025 that this issue was resolved. Additionally, as of September 9, 2025, the parties have discussed numerous items, such as the shorter length of certain calls lawyers have with inmates and MDC's conversion of VTCs to calls due to technical issues. I will continue to monitor and discuss these issues as they arise as well.

Additionally, the parties are engaged in a review of the latest draft settlement agreement. At this time, we plan to hold an in-person mediation session with Judge Kuo and the parties to further settlement discussions on October 16, 2025. I will continue to discuss these and other issues with the parties.

Respectfully,

/s/ Loretta E. Lynch
Loretta E. Lynch

cc: Sean Hecker, Hecker Fink LLP
Dara A. Olds, U.S. Attorney's Office (E.D.N.Y.)
David A. Cooper, U.S. Attorney's Office (E.D.N.Y.)